

Alan R. Ackerman, Esquire (AA9730)
Law Offices of Alan R. Ackerman
1719 Route 10 East, Suite 106
Parsippany, NJ 07054
Telephone: (973) 898-1177
Facsimile: (973) 898-1230
araesq@alanackermanlaw.com

and

John P. Fuller, Esquire, *pro hac vice pending*
Fuller, Fuller & Associates, P.A.
12000 Biscayne Blvd., Suite 609
North Miami, FL 33181
Telephone: (305) 891-5199
Facsimile: (305) 893-9505
jpf@fullerfuller.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN DIVISION

DENNIS MAURER, Individually,

Plaintiff,

vs.

Case No. 1:13-cv-6494-JHR-JS

SHIVA - EGG HARBOR, INC., a New
Jersey Corporation,

Defendant.

/

DEFAULT FINAL JUDGMENT AGAINST
DEFENDANT, SHIVA-EGG HARBOR, INC.

THIS CAUSE came before the Court on the Plaintiff's Motion for Entry of Judgment After Default Against the Defendant, Shiva-Egg Harbor, Inc., a New Jersey Corporation.

The Court has reviewed the matters and Plaintiff's allegation that Defendant is a place of public accommodation, operating in violation of Title III of the Americans With Disabilities Act, 42 U.S.C. 12181, *et seq.* and the New Jersey Law Against Discrimination. *See*, N.J.S.A. § 10.5 *et*

seq. It has also reviewed the Affidavit of Plaintiff's expert, Gene C. Mattera attesting to the violations at the Defendant's premises.

Based on the foregoing, and having otherwise been advised in the premises,

IT IS HEREBY

Found, Ordered and Adjudged as follows:

1. This Court has jurisdiction over the Parties and the subject matter of this action pursuant to 28 U.S.C. § 1331 and § 1343, for Plaintiff's claims. Based upon Defendant's violation of Title III of 42 U.S.C. § 12181 et seq. (the "Americans With Disabilities Act"), and supplemental jurisdiction over the Plaintiff's State law claim brought pursuant to the New Jersey Law Against Discrimination (N.J.S.A.) § 10.5, *et seq.* by virtue of 28 U.S.C. § 1367.

2. The Plaintiff, Dennis Maurer's Motion for Entry of Judgment After Default be and the same is hereby granted. A default is hereby entered against the Defendant, Shiva-Egg Harbor, Inc. and judgment is hereby entered in favor of Plaintiff, Dennis Maurer.

3. The Defendant, Shiva-Egg Harbor, Inc. shall comply with all sections of the Americans With Disabilities Act, 42 U.S.C. § 12181, the Standards for Accessible Design ("2010 Standards"), as promulgated by the U.S. Department of Justice, 28 C.F.R. Chapter 1, Part 36, App. A, as specifically set forth in the Plaintiffs' Complaint and the Affidavit of Plaintiff's expert, Gene C. Mattera of AccesSolution.com, Inc. at the Harbortowne Plaza located at 6090 Black Horse Pike, Egg Harbor Township, NJ 08234 in Atlantic County, in the State of New Jersey. Such compliance shall take place no more than three (3) months from the date of this judgment and shall be confirmed by Defendant upon its filing a Notice of Compliance with this Court, which Notice shall specifically set forth the remediation undertaken by the Defendant to comply with the ADA. Plaintiff shall have thirty (30) days following the filing of Defendant's Notice of Compliance to object to Defendant's

remedial measures taken to comply with the ADA.

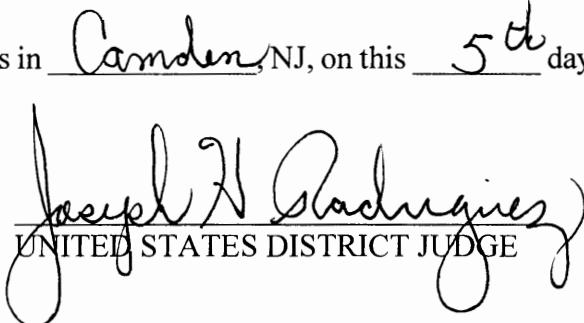
4. Plaintiffs shall also recover their attorney's fees, litigation expenses, costs and expert fees from the Defendant and this Court retains jurisdiction for the determination of the amount of the award thereof. In accordance herewith, the Plaintiffs shall file an application for attorney's fees, litigation expenses and costs, and expert's fees to be awarded to Plaintiff.

5. The Court shall retain jurisdiction over the above-styled cause solely to enforce compliance with this Judgment;

6. Immediately upon receipt of this Judgment, the Plaintiffs shall serve a copy, via Certified, Return Receipt, Requested U.S. mail, of this Default Final Judgment upon Defendant, Shiva-Egg Harbor, Inc. d/b/a Harbortowne Plaza c/o its Authorized Agent, Dibia Patel, 4 Coventry Court, East Hanover Township, NJ 07936, and to Ramesh Patel, Registered Agent, 205 Wheaton Place, Rutherford, NJ 07070, and shall certify to this Court that said service has been made or attempted; and

7. To the extent not otherwise disposed of herein, all pending Motions are hereby DENIED as moot.

ORDERED AND ADJUDGED in Chambers in Camden, NJ, on this 5th day of May, 2014.


Joseph N. Rodriguez
UNITED STATES DISTRICT JUDGE

cc: *Counsel of Record*
Dibia Patel, Authorized Agent
Shiva-Egg Harbor, Inc.
d/b/a Harbortowne Plaza

4 Coventry Court
East Hanover Township, NJ 07936
and
Ramesh Patel, Registered Agent
205 Wheaton Place
Rutherford, NJ 07070